

Pertinent Indiana Statutes Regarding Electronic Reporting/Signature; Permit Term; and Discharging Without a Permit

Chapter 13. Electronic Applications and Reports

IC 13-14-13-1

Applicability

Sec. 1. This chapter applies to the use of an electronic submission for any of the following:

- (1) Satisfaction of a state or federal requirement for reporting to the department.
- (2) Satisfaction of the requirements for an application to the department.
- (3) Submission to the department of any other substitute for a paper document.

As added by P.L.114-2008, SEC.8.

IC 13-14-13-2

Department may require electronic submissions; exception; acceptable submissions

Sec. 2. (a) If a person is required to submit information or a document to the department, the department may require the person to submit the information or document electronically. However, the department may not require a person to submit information or a document to the department electronically if the person demonstrates to the department that being required to submit the information or document electronically will constitute an undue hardship or burden for the person.

(b) The department may accept an electronic submission of information only if the submission meets the following:

- (1) Requirements of cross-media electronic reporting under 40 CFR 3.
- (2) Procedures established by the department to accept electronic information.

As added by P.L.114-2008, SEC.8. Amended by P.L.159-2011, SEC.17; P.L.147-2015, SEC.4.

IC 13-14-13-4

Department adoption of procedures for electronic signatures on electronic documents

Sec. 4. (a) The department may adopt procedures that are consistent with federal law for compliance with this chapter to allow an applicant to submit an electronic document bearing the valid electronic signature of a signatory if that signatory would otherwise be required to sign the paper document for which the electronic document substitutes.

(b) The procedures adopted under subsection (a) may provide for electronic signature standards that are consistent with 40 CFR 3.

As added by P.L.114-2008, SEC.8. Amended by P.L.159-2011, SEC.18.

IC 13-14-13-5

Electronic signature requirements; repudiation of electronic signature not

permitted

Sec. 5. Information submitted in an acceptable electronic document under a procedure adopted under section 4 of this chapter must have a signature uniquely assigned. The receiving system for the document must be able to attribute the signature to a specific individual. If an electronic document is submitted under an assigned signature, the signatory may not repudiate responsibility for the signature.

As added by P.L.114-2008, SEC.8.

IC 13-14-13-6

Civil, criminal, and other penalties

Sec. 6. A person is subject to applicable state or federal civil, criminal, or other penalties and remedies for failure to comply with a reporting requirement if the person submits an electronic document that:

(1) is in place of a paper document under this chapter; and

(2) fails to comply with the following:

(A) Requirements of cross-media electronic reporting under 40 CFR 3.

(B) Procedures established by the department to accept electronic information.

As added by P.L.114-2008, SEC.8. Amended by P.L.159-2011, SEC.19.

IC 13-14-13-7

Criminal penalties applicable to information provided in both electronic and other forms

Sec. 7. A person submitting information using an assigned signature is liable under IC 13-30-10 for the information provided and subject to penalties under that chapter, regardless of whether the information submitted is in electronic form or other form.

As added by P.L.114-2008, SEC.8.

IC 13-15-3-2

Length of time permit may be issued; renewal

Sec. 2. (a) A permit issued under:

(1) this article (except IC 13-15-9);

(2) IC 13-17-11;

(3) IC 13-18-18; or

(4) IC 13-20-1;

may be issued for any period determined by the department to be appropriate but not to exceed five (5) years.

(b) Except as provided in federal law, a valid permit that has been issued under this chapter that concerns an activity of a continuing nature may be renewed for a period of not more than ten (10) years as determined by the department. The board shall adopt rules implementing this subsection.

(c) The commissioner may delegate authority to issue or deny permits to a designated staff member.

As added by P.L.1-1996, SEC.5. Amended by P.L.123-1996, SEC.12;

P.L.128-1996, SEC.1.

IC 13-30-2-1

Specific acts prohibited

Sec. 1. A person may not do any of the following:

(1) Discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into:

(A) the environment; or

(B) any publicly owned treatment works;

in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the board under the environmental management laws.

(2) Increase the quantity or strength of a discharge of contaminants into the waters or construct or install a sewer or sewage treatment facility or a new outlet for contaminants into the waters of Indiana without prior approval of the department.

(3) Deposit any contaminants upon the land in a place and manner that creates or would create a pollution hazard that violates or would violate a rule adopted by the board.

(4) Deposit or cause or allow the deposit of any contaminants or solid waste upon the land, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the board.

(5) Dump or cause or allow the open dumping of garbage or of any other solid waste in violation of rules adopted by the board.

(6) Dispose of solid waste in, upon, or within the limits of or adjacent to a public highway, state park, state nature preserve, or recreation area or in or immediately adjacent to a lake or stream, except:

(A) in proper containers provided for sanitary storage of the solid waste; or

(B) as a part of a sanitary landfill operation or other land disposal method approved by the department.

(7) Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may:

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control.

(8) Conduct any salvage operation or open dump by open burning or burn, cause, or allow the burning of any solid waste in a manner that violates either:

(A) the air pollution control laws; or

(B) the rules adopted by the board.

(9) Commence construction of a proposed hazardous waste facility without having first:

(A) filed an application for; and

(B) received;

a permit from the department.

(10) Commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

(11) Deliver any hazardous waste to a hazardous waste facility that:

(A) is not approved; or

(B) does not hold a permit from the department.

(12) Cause or allow the transportation of a hazardous waste without a manifest if a

manifest is required by law.

(13) Violate any:

(A) condition;

(B) limitation; or

(C) stipulation;

placed upon a certificate of environmental compatibility by the hazardous waste facility site approval authority or any other provision of IC 13-22-10.

(14) Apply or allow the application of used oil to any ground surface, except for purposes of treatment in accordance with a permit issued by the department under any of the following:

(A) IC 13-15, except IC 13-15-9.

(B) IC 13-17-11.

(C) IC 13-18-18.

(D) IC 13-20-1.

(15) Commence construction of a solid waste incinerator without first obtaining a permit from the department under IC 13-20-8.

(16) Commence operation of a solid waste incinerator without first obtaining the approval of the department under IC 13-20-8.

As added by P.L.1-1996, SEC.20. Amended by P.L.133-2012, SEC.158.

NOTE: Specific prohibition to discharge without a permit is found at 327 IAC 5; regulations for NPDES program.